



Paul J. Labov

September 9, 2024

212.561.7783
plabov@pszjlaw.com

LOS ANGELES

10100 SANTA MONICA BLVD. 13TH FL.
LOS ANGELES, CALIFORNIA 90067-4003
310.277.6910

NEW YORK

780 THIRD AVENUE, 34TH FL.
NEW YORK, NEW YORK 10017-2024
212.561.7700

WILMINGTON

919 NORTH MARKET STREET, 17TH FLOOR,
P.O. BOX 8705
WILMINGTON, DELAWARE 19899-8705
302.652.4100

HOUSTON

700 LOUISIANA STREET, STE. 4500
HOUSTON, TEXAS 77002
713.691.9385

SAN FRANCISCO

ONE SANSOME STREET, 34TH FL. STE. 3430
SAN FRANCISCO, CALIFORNIA 94104
415.263.7000

Via ECF and Electronic Mail

The Honorable Vincent F. Papalia
United States Bankruptcy Judge
District of New Jersey
50 Walnut Street, Courtroom 3B
Newark, New Jersey 07102

Re: **Bed Bath & Beyond, Inc.,
Case No. 23-13359 (VFP)
Second Joint Status Report - Stay Relief Motions
and Personal Injury Claim Resolution Procedures
Motion**

Dear Judge Papalia:

This firm represents Michael Goldberg in his capacity as the Plan Administrator (the "Plan Administrator") to 20230930-DK-Butterfly-1, Inc. (f/k/a Bed Bath & Beyond, Inc.). This correspondence is in furtherance of Your Honor's request for a joint status report in connection with the parties progress in formulating estimation or resolution procedures¹ in connection with personal injury claims. We previously provided you status updates on July 8, 2024, July 22, 2024, and August 26, 2024, which appear on this Court's Docket at Docket Nos. 3345, 3352, and 3483, respectively.

Per Your Honor's direction, the parties, including (i) the Plan Administrator, (ii) movant Alfred Zeve, (iii) movants Penelope Duczkowski and Joseph Duczkowski, and (iv) Safety National Casualty Corp., each by and through their respective counsel (collectively (i)-(iv), the "Parties"), are continuing to make material progress in preparing a comprehensive set of alternative dispute

¹ Capitalized terms not defined herein shall have the same meaning ascribed to them in the May 30, 2024, correspondence to the Court, filed at Docket No. 3304, or as otherwise provided herein.



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resolution procedures (the “ADR Procedures”), specifically designed to promptly address personal injury claims in a fair and efficient manner. The Parties are in the process of finalizing the ADR Procedures and expect to file a motion to approve the ADR Procedures in the coming days.

This Court previously established a status conference on the ADR Procedures and as a carry date on the Motions (the “Status Conference”), which is currently set for September 10, 2024, at 10:00 a.m. The Parties have agreed to a continuance of the Status Conference as they continue to prepare the ADR Procedures, and request this Court continue the status conference to the existing hearing date of September 24, 2024, at 10:00 a.m.

Respectfully submitted,

/s/ Paul J. Labov

Paul J. Labov

PJL

cc: Michael I. Goldberg, Esq. (*via email*)
David H. Stein, Esq. (*via email*)
Richard J. Corbi, Esq. (*via email*)
Caleb T. Holzaepfel, Esq. (*via email*)
J. Fred Lorusso, Esq. (*via email*)
Bradford J. Sandler, Esq. (*via email*)
David B. Pizzica, Esq. (*via email*)